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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

DIDIER ALBERTO BACAB-CHABLE,

Defendant and Appellant.

A155831

(Marin County
Super. Ct. No. SC204899A)

Didier Alberto Bacab-Chable appealed from a judgment entered after he pleaded guilty to sexual penetration with a foreign object. His appellate attorney has asked the court for an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436. We strike one fee imposed by the trial court but otherwise affirm.

Police arrested Bacab-Chable in May 2018 after they received reports that he had touched a child's "private parts." He was charged by felony complaint with various sex crimes. Around four months later, and without a preliminary hearing being held, he pleaded guilty under a plea agreement to one count of sexual penetration with a foreign object of a child 10 or younger (Pen. Code, § 288.7, subd. (b)),¹ and the remaining charges were dismissed. Under the plea agreement, Bacab-Chable waived his right to appeal from the judgment "except as to any sentencing error the court may make." The trial court sentenced Bacab-Chable under the plea agreement to 15 years to life in prison, ordered that he be required to register as a sex offender (§ 290), reserved the issue of

¹ All statutory references are to the Penal Code.

restitution under section 1202.4, subdivision (f), entered a protective order directing Bacab-Chable not to have contact with his victim, and imposed various fines and fees.

Among the fines and fees imposed was a \$25 “administrative screening fee,” which was not among the fees proposed by the probation department. No statutory basis was provided for the fee, but it appears it was based on section 1463.07. That statute provides that “[a]n administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested *and released on his or her own recognizance* upon conviction of any criminal offense related to the arrest other than an infraction.” (Italics added.) Because there was no indication in the record that Bacab-Chable had ever been released on his own recognizance, the court notified the parties that it was considering striking the fee. The Attorney General wrote that it does not oppose the striking of the fee.

In Bacab-Chable’s timely notice of appeal, he sought a certificate of probable cause. He then sought a petition for writ of mandate in this court directing the trial court to rule on the request for a certificate. (*Bacab-Chable v. Superior Court* (May 30, 2019, A156648) [petn. dismiss.]) After the trial court denied the request for a certificate, Bacab-Chable again sought a petition for writ of mandate, this time requesting that the trial court be compelled to issue a certificate of probable cause. (*Bacab-Chable v. Superior Court* (A157311).) This court denied the petition on July 10, 2019, over one justice’s dissent.

Reviewing the record for sentencing error only, we conclude that the \$25 “administrative screening fee” was unauthorized, and direct the trial court to strike it. (*People v. Soto* (2016) 245 Cal.App.4th 1219, 1230-1231.) The trial court is further directed to prepare an amended abstract of judgment and to deliver it to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.

Humes, P.J.

WE CONCUR:

Margulies, J.

Sanchez, J.

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